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Session 4

Labour Provisions – Canada’s Approach

Submitted by: Canada



**Capacity Building for Negotiating Labor
Provisions in FTAs Workshop
Medan, Indonesia
28-29 June 2013**

Labour

**APEC Workshop on Trade and Labour Negotiations
June 28-29, 2013
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LABOUR PROVISIONS – CANADA’S APPROACH

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CORE OBLIGATIONS

- Domestic labour laws and practices embody and respect the rights and principles set out in the ILO's *1998 Declaration on Fundamental Principles and Rights at Work*.
- Protections for occupational health and safety, hours of work, wages and migrant workers.
- A broad non-derogation clause.

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INSTITUTIONAL MECHANISMS

- **Ministerial Council:**
 - comprised of labour ministers or their designees;
 - may seek the advice of independent experts
- **National Administrative Office:**
 - serves as a point of contact;
 - responsible for establishing procedures for the submission, acceptance and review of public communications, which may only be from its own citizens;
 - may request general consultations in relation to any matter arising under the Agreement.

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Complaint Process

- Complaint Process - two stages:
 - Government/Ministerial Consultations: any obligation
 - Review Panel: Labour Specific DS Mechanism
 - What can go to Review Panel (see Panama LCA text):
 - Trade-related; and
 - Failure in regard to the content of a law, i.e. not respecting fundamental rights as stated in the ILO Declaration; or
 - Persistent pattern of failure in regard to enforcing existing laws related to any labour rights

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REMEDIES

- If Review Panel determines there is non-compliance, Parties may agree on an action plan.
- If action plan not implemented, or the non-compliance is not remedied, the Review Panel determines an annual monetary assessment which may go into a fund
- Review Panel may adjust the assessment to reflect:
 - any mitigating factors (e.g. good faith efforts); and
 - any aggravating factors (e.g. pervasiveness and duration of the failure)

Labour

THANK YOU